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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,116	02/10/2004	Fubang N. Wu	FGT 1860 PA	2115
28549	7590	03/14/2006	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,116	Applicant(s) WU ET AL.	
	Examiner Ruth Ilan	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figures 3 and 7 are incomplete illustrations because in each of these Figures the bottom of the figure has not been provided. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In paragraph [0018], line 13, "witch" should be "which".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, line 12, claim 11, line 9, both recite "said airbag positioned within said internal pocket". In claim 18, line 2 recites "placing said airbag within a cover cloth assembly" and line 9 recites "said airbag positioned within said internal pocket". This characterization in each case is inaccurate and as such unclear. Based on the specification, and as shown in Figure 3, the airbag is the internal pocket. As such it is unclear if what is intended by "airbag" is a separate bag or the volume created by the internal pocket. Claim 10, line 11 recites "said cover cloth assembly" There is insufficient antecedent basis in the claim for this limitation. Regarding claim 11, line 3 recites "a cover cloth assembly". It is unclear if this is an additional cover cloth assembly or the one recited previously in claim 10. Regarding claim 17, line 10 recites "said vehicle indicates a rollover". Did the applicant intend this limitation to read "said rollover sensor indicates a rollover".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4-12, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (WO/0183273 A1.) Please note that the Examiner is relying on patent family document US 2003/0075910 for translation purposes. Inoue et al. teaches (Figure 9-12) an automotive ejection prevention assembly including a cover cloth assembly 9121 F, see Figure 11) and an airbag (121b) mounted in the belt line (see Figure 10) and expanding vertically upward from the beltline (see Figure 9.) Also included is a cover cloth assembly that includes a vertical restraint edge mounted (at 122) to a vertical portion of the window frame and a horizontal restraint edge mounted (at 124) to the beltline, the cloth assembly includes an inner cloth surface (on interior side of vehicle) and an outer cloth surface (on exterior side of the vehicle, that is facing the window) that that are joined to forma an internal pocket, (121b) which is the airbag (see 112 2nd issues regarding this limitation, noted above.) The cover cloth assembly is positioned inboard of the window frame and fills a portion of the window frame and prevents occupant ejection. Regarding claims 3 and 4, the cover cloth is triangular and includes three triangular mounting points (122, 123, 124.) Regarding claims 6 and 7, Inoue teaches that the airbag can be deployed by a controller (120) based on a rollover or side impact (via sensors 118, 119.) Regarding claim 9, since the cloth is anchored, it will generate an inward force on an occupant protruding through the pane. Regarding claim 8, as broadly recited, the airbag is deployed at a deployment angle greater than 5 degrees, since it is circular in cross section it is deployed at least at 180°.

Claim Rejections - 35 USC § 103

Art Unit: 3616

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. in view of Sinnhuber (US 5,277,441.) Inoue et al is discussed above, and does not teach that the airbag is outboard of the window frame. Sinnhuber teaches that it is known to mount an airbag outboard of the window frame (12,14) in order to provide an air bag whose components do not protrude into the interior of the vehicle in the unactivated position (see col. 2, lines 40-44.) It would have been obvious to one having ordinary skill in the art at the time of the invention to mount the airbag of Inoue et al. outboard of the window frame, as taught by Sinnhuber, in order to provide a mounting structure that doesn't protrude into the vehicle, and as such provide for more room in the passenger compartment.

Conclusion

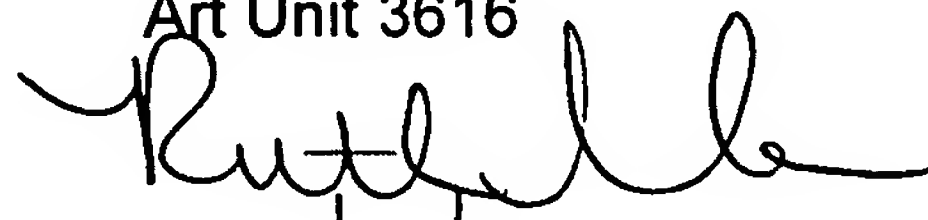
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spenser et al., Feldman et al., ^{Ritzl et al.} Swann et al., Hill, Acker et al., Eyraier, Cheung et al., Boegge et al., Haig, Olson et al., Taguchi, Warner et al., and JP 6-1198 teach door mounted airbag systems of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan
Primary Examiner
Art Unit 3616


3/10/06

RI
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